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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,336	07/31/1998	BRUCE ANTHONY BEADLE	AT9-98-302	9993

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DUKE W. YEE
CARSTENS, YEE & CAHOON, L.L.P.
P.O. BOX 802334
DALLAS, TX 75380

EXAMINER

ZHEN, LI B

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/127,336

Applicant(s)

BEADLE ET AL.

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 – 22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4 – 6 of U.S. Patent No.

6,433,794 (hereinafter *Beadle*) in view of U.S. Patent No. 6,332,218 to Walker.

As to claim 1, *Beadle* teaches selecting classes using a browser for use by a virtual machine in a data processing system [claim 4, lines 1 – 2], the method comprising:

providing through the browser, an interface in which the interface allows for the selection of classes for use by the virtual machine [claim 4, lines 3 – 4];

receiving a selection of classes through the interface [claim 4, lines 5 – 6]; and

storing the selection of classes, wherein the selection of classes is used by the browser when initializing the virtual machine [claim 4, lines 7 – 8]. *Beadle* teaches a

graphical interface that allows the user to modify the Java properties for a browser but does not specify providing a selection of classes for use by a virtual machine.

However, Walker teaches allowing a user selecting classes [dependency list 26 includes one or more entries 30(1) through 30(P)... each of the entries 30(p), along with the contents of the respective fields 31 and 32(n), may be established in response to input information provided by an operator; col. 5, lines 21 – 53] and providing the selection of classes for use by a virtual machine [if the operator wishes to have a class 22 instantiated in the virtual machine 20 for use during processing of a program... he or she can enable the program/class loader 24 to instantiate the class 22 by providing an entry 26 for the program 21 in the dependency list 26 and identify the program in field 31 and the class 22 in a field 32(n) in the entry 30(p); col. 5, lines 21 – 53].

It would have been obvious to a person of ordinarily skilled in the art at the time of the invention to apply the teaching of allowing a user selecting classes and providing the selection of classes for use by a virtual machine as taught by Walker to the invention of Beadle because this permits the operator to enable classes to be instantiated in the virtual machine which might not otherwise be instantiated for use during processing of the program [col. 2, lines 40 – 47 of Walker].

As to claim 2, Beadle teaches the interface is a graphical user interface [claim 4, lines 3 – 4].

As to claim 3, Beadle teaches the virtual machine is a Java virtual machine [claim 6, lines 1 – 2].

As to claim 6, the selection of classes is a class path [claim 5, lines 1 – 2].

As to claim 8, this is a combination of method claims 1 – 3; note the rejections of claims 1 – 3, which also meet this method claim.

As to claim 12, this is a system claim that corresponds to method claim 1; note the rejection of method claim 1, which also meets this system claim.

As to claim 19, this is a product claim that corresponds to method claim 8; note the rejection of claim 8 above, which also meets this product claim.

As to claim 20, this is a combination of method claims 1 and 6; note the rejections of claims 1 and 6, which also meet this method claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,205,476 to Hayes in view of Walker.

As to claim 1, Hayes teaches client profile management by [col. 4, lines 8 – 33] providing through the browser [a web browser interface arranged to execute Java applications; col. 4, lines 15 – 21], an interface [configuration applet; col. 5, lines 45 – 67] in which allows for the configuration of the application by executing the application, configuring the application using the options provided by the application, and then saving the configuration [col. 4, lines 8 – 33], receiving a selection of classes through the interface [window... pops-up and allows the administrator to enter the path and file

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name of the text file containing the applet definitions to be appended; col. 18, lines 1 – 30], and storing the selection of classes [to save all pending changes, the administrator clicks on File 1312 and then Save; col. 18, lines 1 – 30]. Hayes teaches a graphical interface that allows the user to configure Java applications through a browser interface and but does not specifically teach using a selection of classes [list of applets] for use by a virtual machine.

However, Walker teaches allowing a user selecting classes [dependency list 26 includes one or more entries 30(1) through 30(P)...each of the entries 30(p), along with the contents of the respective fields 31 and 32(n), may be established in response to input information provided by an operator; col. 5, lines 21 – 53] and providing the selection of classes for use by a virtual machine [if the operator wishes to have a class 22 instantiated in the virtual machine 20 for use during processing of a program...he or she can enable the program/class loader 24 to instantiate the class 22 by providing an entry 26 for the program 21 in the dependency list 26 and identify the program in field 31 and the class 22 in a field 32(n) in the entry 30(p); col. 5, lines 21 – 53].

It would have been obvious to a person of ordinarily skilled in the art at the time of the invention to apply the teaching of allowing a user selecting classes and providing the selection of classes for use by a virtual machine as taught by Walker to the invention of Hayes because this permits the operator to enable classes to be instantiated in the virtual machine which might not otherwise be instantiated for use during processing of the program [col. 2, lines 40 – 47 of Walker].

As to claim 8, this is a combination of method claims 1 – 3; note the rejections of claims 1 – 3, which also meet this method claim.

As to claims 12 – 18, these are system claims that correspond to method claims 1 – 7; note the rejections of method claims 1 – 7, which also meet these system claims.

As to claim 19, this is a product claim that corresponds to method claim 8; note the rejection of claim 8 above, which also meets this product claim.

As to claim 20, this is a combination of method claims 1 and 6; note the rejections of claims 1 and 6, which also meet this method claim.

As to claim 2, Hayes as modified teaches the interface is a graphical user interface [a web browser interface arranged to execute Java applications; col. 4, lines 15 – 21 of Hayes].

As to claim 3, Hayes as modified teaches a Java based system [col. 4, lines 15 – 21 of Hayes]. The Java virtual machine is inherent to the Java environment.

As to claim 4, Hayes as modified teaches using the selection of the classes to initialize the virtual machine [automatically instantiate classes...in the virtual machine for processing along with an application program, when the application program is loaded in the virtual machine for processing; col. 4, lines 42 – 50 of Walker].

As to claims 5, 21 and 22, Hayes as modified teaches the class location is a class path stored in a user profile [ProfileManagementProperties object] data structure [a ProfileManagementProperties object P at 714, which is used to load, get, cache, set, and save a copy of the user's preference information from the server for the desktop applet; col. 13, lines 33 – 67 of Hayes].

As to claim 6, Hayes as modified teaches the selection of classes is a class path [enter the path and file name of the text file containing the applet definitions to be appended; col. 18, lines 19 – 29 of Hayes].

As to claims 7 and 9, Hayes as modified teaches the selection of classes causes a class path to be appended a system class path [append definitions of applets to the existing list 1306 from an existing text file; col. 18, lines 19 – 29 of Hayes].

As to claims 10 and 11, Hayes as modified teaches appending class paths to a system class path [append definitions of applets to the existing list 1306 from an existing text file; col. 18, lines 19 – 29 of Hayes], but does not specify appending to the beginning or end of the system class path. The class path can obviously be appended to either the beginning or the end of the system class path.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Li B. Zhen
Examiner
Art Unit 2126

lbz
October 3, 2003



**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**